

Title 2. Administration  
Division 2. Financial Operations  
Chapter 3. Department of General Services  
Subchapter 4. Office of Public School Construction  
Group 1. State Allocation Board  
Subgroup 12. State School Deferred Maintenance

Article 1. Definitions

Section 1866. Definitions.

- (a) In connection with the administration of the provisions of Sections 39618 to 39621, inclusive, of Article 1, Chapter 4, Part 23, Division 3, Title 2, Education Code and for the purpose of these regulations, the terms set forth below shall have the following meanings:
- (1) The Act, Sections 39618 through 39621, above.
  - (2) Application. A request to the State Allocation Board for approval of a five year plan of maintenance needs of a school district and for an apportionment of funds from the State School Deferred Maintenance Fund, as provided by the Act and these regulations.
  - (3) Apportionment. Amount of State funds apportioned by the Board for purposes of the application. This amount is based on the formula specified in Section 39619(b) of the Education Code.
  - (4) Board. The State Allocation Board.
  - (5) District or Applicant School District. Any School district applying for an apportionment, as provided by the Act and these regulations, or the county superintendent of schools qualifying as an applicant pursuant to Section 2553 of the Education Code.
  - (6) Executive Officer. The Executive Officer of the State Allocation Board.
  - (7) Five Year Plan of Maintenance Needs. The district's plan in priority order reflecting the district's total deferred maintenance needs, to accomplish the major repair or replacement workload annually over a five year period using the format to be supplied by the Executive Officer of the Board.
  - (8) Repair. Involves the work necessary to restore deteriorated or damaged plumbing, heating, air conditioning, electrical, roofing and floor systems. The exterior and interior painting of school buildings, asphalt paving, the inspection, sampling and analysis of building materials to determine the presence of asbestos-containing materials, the encapsulation or removal of asbestos-containing materials or such other items as may be approved by the State Allocation Board, to such condition that the school buildings may be effectively utilized for their designated purposes.
  - (9) Replacement. The work necessary to replace those school building systems itemized in subparagraph 8, above, which are either worn out or obsolete to the extent that they no longer effectively perform their functions.
  - (10) Critical Project. A project at one school in the five-year plan which if not completed in one year would result in serious damage to the remainder of the facility or would result in a risk of injury or illness to the pupils attending the facility. The Board shall have the authority to approve more than one critical project in a district's five-year plan, for completion in the same year, if the Board, after reviewing the additional critical project(s), has made a determination that approval of such additional critical project(s) is justified in order to abate a risk of injury or illness to the pupils attending the facility. A critical project for a district with only one school may also include additional major repair or replacement work deemed essential for the basic utilization and functioning of the school.

Note: Authority cited: Sections 17705 and 17714, Education Code.

Reference: Sections 39618-39621, Education Code.

## Article 2. Eligibility

### Section 1866.1. Prerequisites to Receiving an Apportionment.

- (a) The prerequisites necessary for a district to receive an apportionment, as provided by the Act and these regulations, include the following:
  - (1) That the governing board of an applicant school district has established a restricted fund to be known as the "district deferred maintenance fund" for the specific purposes as specified in Section 39618 of the Education Code, as amended by SB 88, Chapter 40/80 and has deposited into said fund an amount of local funds.
  - (2) That the Superintendent of Public Instruction has provided the Board with the certification as required by Section 39619(a) of the Education Code.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 39618-39621, Education Code.

## Article 3. Application Procedure

### Section 1866.2. Form of Application.

A request to the Board for an apportionment under the Act shall be transmitted to the Executive Officer for recommendations and presentation to the Board. Such request shall be in letter form signed by the Superintendent of the District and having attached thereto the district's five year plan of maintenance needs as prescribed by Section 39620 of the Education Code and these regulations.

### Section 1866.3. Filing and Review of Applications.

Applications for an apportionment shall be filed with the Executive Officer prior to April each year. All applications received by the applicable date, will be presented to a subsequent meeting of the Board for consideration in the distribution of State School Deferred Maintenance funds which are made available for the fiscal year. The Board, by the unanimous vote of the members present, can make an exception to the filing date.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 39620, Education Code.

## Article 4. Five Year Plan of Maintenance Needs

### Section 1866.4. Form of Five Year Plan of Maintenance Needs.

- (a) Section 39620 of the Education Code establishes the requirement of filing with the Board a five year plan of the maintenance needs of the district.
- (b) A sample format for the school district five year plan of maintenance needs, designed to provide the minimum necessary information required by the Board to make approval determinations, shall be supplied by the Executive Officer of the Board upon request. Major repair or replacement projects to be included in the plan must conform to those categories authorized in Section 39618 of the Act and these regulations. Assignment of priorities by the district should be made in such order that will emphasize those project categories that would prevent further severe deterioration and/or damage to school facilities.

- (c) Eligible items of major repair or replacement shall be limited to those school facility components which have approached or exceeded their normal life expectancy unless a history of continued repair indicates a shortened life expectancy.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 39618-39621, Education Code.

#### Article 4.5. Funding Limitations

##### Section 1866.4.5. County Superintendents of Schools Funding Limitations.

The Board shall apportion from the State School Deferred Maintenance Fund, to County Superintendents of Schools who meet the provisions of Education Code Sections 39619, 39620 and, if applicable, 39619.2, an amount equal to one dollar (\$1.00) for each one dollar (\$1.00) of local funds up to a maximum of one-half percent of the total general funds and adult education funds budgeted by the County Superintendents of Schools for the fiscal year, exclusive of any amounts budgeted for capital outlay or debt service, to the extent of funds legally available pursuant to Education Code Section 17780.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 2553, 39618-39619.2 and 39620, Education Code; and Sections 15502-15503, Government Code.

#### Article 5. Hardship Apportionment

##### Section 1866.5. Apportionment of Hardship Funds from State School Deferred Maintenance Fund.

- (a) No district contribution beyond one-half of one percent of its total general and adult education funds budgeted for the fiscal year (excluding the amounts budgeted for capital outlay or debt service) shall be required for the first critical project of a district in any given fiscal year.
- (b) A district contribution of 50% shall be required for the second critical project of a district in any given fiscal year to be made by one of the following methods:
  - (1) Cash contribution.
  - (2) An apportionment pursuant to Education Code Section 39619.5, provided that the district agrees to repay its 50% share of the additional critical projects as an offset of future apportionments allowed pursuant to Education Code 39619 in an amount equal to ½ of 1% of the district's current year budgeted General and Adult Education Funds exclusive of amounts budgeted for capital outlay or debt service per year for a period not to exceed five years or until apportionment is repaid.
- (c) A cash contribution of 50% shall be required by the district for each additional critical project, beyond two, of a district in any given fiscal year.
- (d) For hardship apportionments made in or prior to the 1984/85 fiscal year, the State Allocation Board may waive the balance of any required offset provision from future apportionments made pursuant to Education Code Section 39619.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 39618-39621, Education Code.

##### Section 1866.5.1. Prioritization of Critical Project Categories for Hardship Apportionments.

- (a) In the event available funding is insufficient to fully fund all hardship requests in any given fiscal year, the Board shall utilize the following prioritized list to apportion funds for critical hardship projects:

Description of Projects	Priority No.
Underground Toxic Contaminated Tank Clean-Up/Removal	1
Roofing	2
Plumbing (Water/Sewer)	3
Heating	4
Air-Conditioning	5
Electrical	6
Wall Systems	7
Floor Systems	8
Paving	9
Other	10

- (b) The Board may make exceptions to the priorities on a case-by-case basis for the benefit of the pupils affected.
- (c) The Board shall maintain a sufficient reserve for unexpected emergencies and ongoing cost increases.

Note: Authority cited: Section 15503, Government Code; and Sections 17705 and 17714, Education Code.

Reference: Sections 39618-39621, Education Code.

#### Section 1866.6. Method of Payment to School District.

- (a) Each apportionment when ready for payment shall be certified by the Executive Officer to the State Controller who shall draw his warrant for such payment in the manner prescribed by law.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 39618-39621, Education Code.

### Article 6. Expenditures

#### Section 1866.7. Control of Expenditures.

Section 39618(c) of the Education Code provides that the governing board of each school district shall have complete control over the apportioned funds and the earnings of funds once deposited in the district deferred maintenance fund, provided that no funds deposited in the district deferred maintenance fund pursuant to subdivision (a) or (b) of Section 39619 may be expended by the governing board for any purpose except those specified in Section 39618(a) of the Education Code.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 39618-39621, Education Code.

#### Section 1866.8. Expenditures by Districts Subject to Competitive Bidding.

Any expenditures by a district from the proceeds of an apportionment made for the purposes set forth in Sections 39618 and 39619.5 of the Education Code shall be made subject to competitive bidding where, and in the manner, required by the Education Code.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 39618-39621, Education Code.

#### Section 1866.9. Compliance with Laws.

All laws, ordinances, and regulations otherwise applicable to any project undertaken pursuant to an apportionment made under the Act shall remain applicable to said project unless otherwise provided by the Act or these regulations.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 39618-39621, Education Code.

#### Section 1866.10. Limitation of State Responsibility.

In making an apportionment, neither the State nor any department or agency thereof, shall be required to assume any responsibility not otherwise imposed upon it by law.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 39618-39621, Education Code.

#### Section 1866.11. Payment and Performance Bonds.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 39618-39621, Education Code.